

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Mario Escalante,	)	Civil Action No.: 8:15-cv-00177-MGL-JDA
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b><u>ORDER</u></b>
Anderson County Sheriff's	)	
Department, Sheriff John Skipper,	)	
Sergeant Andrew R. Hyslop, Deputy	)	
Brandon Surratt, City of Anderson	)	
Police Department, Chief of Police	)	
James S. Stewart, David L. Rodgers	)	
d/b/a Whitehall Express Mart, Janice	)	
W. Rodgers d/b/a Whitehall Express	)	
Mart, John Does 1-20,	)	
	)	
Defendants.	)	

Plaintiff brought this action seeking relief pursuant to 42 U.S.C. § 1983. On February 12, 2015, Defendants David L. Rodgers and Janice W. Rodgers filed a motion to dismiss. [Doc. 12.] Thus, Plaintiff's response was due on March 2, 2015. To date, Plaintiff has failed to file a response to the motion to dismiss. Therefore,

IT IS ORDERED that Plaintiff shall have through March 13, 2015 in which to file his response to the motion to dismiss. Plaintiff is advised that if he fails to respond, this action will be subject to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), and for failure to comply with this Court's orders, pursuant to Rule 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). The dismissal will be considered an adjudication on the merits, i.e., *with prejudice*.

IT IS SO ORDERED.

s/Jacquelyn D. Austin  
United States Magistrate Judge

March 3, 2015  
Greenville, South Carolina